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DAILEY, THOMAS J	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/753,141

Applicant(s)

COATES ET AL.

Examiner

Thomas J. Dailey

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Claim 24 was added by the amendment.
2. Claims 1-24 are pending in this application.
3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 26, 2007 has been entered.

Response to Arguments

4. The applicant argues that the prior art of record fails to teach a SRL comprises unique file identifier generated from the contents of a file to identify the file.
5. The examiner disagrees. Smyk (US Pat. 5,751,961) teaches a URL comprising a unique file identifier (col. 1, lines 4-10, the "file_path_string"). The "file_path_string" is unique and generated from the contents of the file as it uniquely defines the file within the file system and it is well known in the art the file name and the file's location in the file system will inherently be part of the contents of the file otherwise there would be no way to address or access it. Further, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which

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applicant relies (i.e., the applicant refers to the specification (Remarks, page 8, last paragraph) when distinguishing the claimed SRL from the URL of Smyk) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 12-14, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Granik et al. (US Pub No. 2002/0010757), hereafter "Granik," in view of Smyk (US Pat. No. 5,751,961).
8. As to claims 1, Granik discloses a method for downloading a file from a remote storage center to an end-user computer for content provided from a content server (Fig. 1 and Abstract), said method comprising the steps of:

receiving a request from an end-user computer for content at a content server ([0038], lines 1-11):

transmitting from said content server to said end-user computer, in response to said end-user request, said content comprising at least one storage resource locator ("SRL"), [the user downloads a replacement ad/image (content) from server 24 ([0038], lines 6-10) i.e. content is transmitted to the user. The ad/image (content) includes accompany data such as URL (col. 5, [0040], lines 6-9), the URL is storage resource locator because it is a link that identifies the address the file is stored at]

transmitting a request for said file from said end-user computer to a remote storage center, including transmitting said SRL for said file ([0043], lines 1-16); and

transmitting, from said storage center to said end-user computer, the file identified by said SRL [new content replacement files are sent to the user ([0043], lines 16-19)].

Granik does not disclose the SRL comprising a unique file identifier generated from the contents of a file to identify the file associated with said content.

However, Smyk discloses an SRL comprising a unique file identifier generated from the contents of a file to identify the file associated with said content (col. 1, lines 58-67 and col. 3, lines 4-10, as shown above in Granik a

URL reads on the SRL, and furthermore Smyk's URL specifically comprises "a unique file identifier" in the form of the "file_path_string" which is generated from the contents of a file, as it will include the file name and the directories the file is stored in).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Granik and Smyk in order to allow the identification of files to be easily achieved by simply using the file path which is available directly from the file.

9. As to claim 12, Granik discloses a system comprising:

content server for receiving a request from an end-user computer for content, and for transmitting to said end-user computer, in response to said end-user request, said content comprising at least one storage resource locator ("SRL"), [the user downloads a replacement ad/image (content) from server 24 ([0038], lines 6-10) i.e. content is transmitted to the user. The ad/image (content) includes accompany data such as URL (col. 5, [0040], lines 6-9), the URL is storage resource locator because it is a link that identifies the address the file is stored at]

storage center for receiving a request for said file from said end-user computer, including transmitting said SRL for said file ([0043], lines 1-16), and for transmitting, from said end-user computer, said file identified by said SRL [new content replacement files are sent to the user ([0043], lines 16-19)].

Granik does not disclose the SRL comprising a unique file identifier generated from the contents of a file to identify the file associated with said content.

However, Smyk discloses an SRL comprising a unique file identifier generated from the contents of a file to identify the file associated with said content (col. 1, lines 58-67 and col. 3, lines 4-10, as shown above in Granik a URL reads on the SRL, and furthermore Smyk's URL specifically comprises "a unique file identifier" in the form of the "file_path_string" which is generated from the contents of a file, as it will include the file name and the directories the file is stored in).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Granik and Smyk in order to allow the identification of files to be easily achieved by simply using the file path which is available directly from the file.

10. As to claim 21, Granik discloses a storage center (Fig. 1, label 24) comprising:
 - storage for storing a plurality of files ([0038], lines 1-11);
 - storage control (Fig. 1, label 27) for receiving a request from an end-user computer, remote from said storage center, for at least one file, and for transmitting said file to said end-user computer, said request comprising at least one storage resource locator ("SRL") corresponding to said file [the user

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downloads a replacement ad/image (content) from server 24 ([0038], lines 6-10) i.e. content is transmitted to the user. The ad/image (content) includes accompany data such as URL (col. 5, [0040], lines 6-9), the URL is storage resource locator because it is a link that identifies the address the file is stored at).

Granik does not disclose the SRL comprising a unique file identifier generated from the contents of a file to identify the file associated with said content.

However, Smyk discloses an SRL comprising a unique file identifier generated from the contents of a file to identify the file associated with said content (col. 1, lines 58-67 and col. 3, lines 4-10, as shown above in Granik a URL reads on the SRL, and furthermore Smyk's URL specifically comprises "a unique file identifier" in the form of the "file_path_string" which is generated from the contents of a file, as it will include the file name and the directories the file is stored in).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Granik and Smyk in order to allow the identification of files to be easily achieved by simply using the file path which is available directly from the file.

11. As to claims 2, 13, and 22, Granik discloses the steps of:

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determining, at said storage center, using said authentication certificate, whether said request is valid ([0029]); and

transmitting, from said storage center to said end-user computer, said file only if said request is valid ([0040], lines 1-6).

12. As to claims 3, 14, and 23, Granik discloses the steps of:

transmitting to said end-user computer an SRL further comprising a time-out parameter ([0040], lines 10-16, activation and deactivation times of images reads on a "time out parameter"); and

determining whether said request is valid through said time-out parameter ([0040], lines 17-19, users accounts are deleted after a predefined amount of time of inactivity (time out parameter, thereby making any subsequent requests invalid).

13. Claims 4-8 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Granik as applied to claims 1 and 12 above, in view of Smyk in further view of Schleimer et al (US Pat. No. 6,108,655), hereafter "Schleimer."

14. As to claims 4 and 15, Granik discloses a replacing the original content with new content after receiving the user's request and based on user information, and includes a URL with the content for enabling user access to a destination web site providing the new content ([0043], lines 1-16).

Granik and Smyk do not explicitly disclose the SRL (i.e. the URL in Granik and Smyk) is embedded into content.

Schleimer discloses the SRL (i.e. the URL in Granik and Smyk) is embedded into content (Fig. 6A & 6B, show where content (web pages) contains embedded URL).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to combine the teachings of Granik and Smyk with the teaching of Schleimer in order to be able to identify the location where the content is stored and be able to retrieve it.

15. As to claims 5 and 16, Granik and Smyk do not disclose:

transmitting hyper-text mark-up language ("HTML") content; and
embedding said SRL into said content comprises embedding said SRL into said HTML.

Schleimer discloses:

transmitting hyper-text mark-up language ("HTML") content (Fig. 6A, label 84); and
embedding said SRL into said content comprises embedding said SRL into said HTML (Fig. 6A, label 90).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to combine the teachings of Granik and Smyk with the teaching of Schleimer in order to be able to identify the location where the content is stored and be able to retrieve it.

16. As to claims 6 and 17, Schleimer discloses:

storing at least one SRL for a file in an SRL file [Fig. 6B; labels 100 and 106 are URLs (SRL) and label 94 is the URL file] and

extracting said SRL from said SRL file [Fig. 6B; item 104 is an extracted URL (SRL) from URL file].

17. As to claims 7 and 18, Schleimer discloses:

coupling a local device comprising a cache to said content server (col. 7, lines 8-10),

storing at least one SRL for at least one file in said cache of said local device (col. 7, lines 10-13), and

extracting said SRL, from said cache of said local device (col. 7, lines 37-42).

18. As to claims 8 and 19, Schleimer discloses:

mounting said local device as a storage device for said content server for access to said SRLs (col. 7, lines 8-12, as Schleimer's server cache is typically

“a hard disk drive” in will be mounted and is a storage device which has access to SRLs (URLs)).

19. Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Granik in view of Smyk in further view of Crow et al. (US Pat. 6,895,418), hereafter “Crow.”

20. As to claims 9 and 20, Granik and Smyk do not disclose:

- storing at least one SRL for at least one file in an SRL file;
- storing said file for access by a file system; and
- organizing said SRL files in a file system, accessible to said content server, with a file structure substantially similar to said file structure for said files.

21. Crow discloses:

- storing at least one SRL for at least one file in an SRL file (Fig. 5, label 61 and column 3, lines 34-42). As disclosed by Smyk, file name constitute URLs (SRLs), and file names are arranged in directories as shown in Fig. 5, where directories read on SRL files);
- storing said file for access by a file system (column 3, lines 34-42); and
- organizing said SRL files in a file system, accessible to said content server, with a file structure substantially similar to said file structure for said files (column

3, lines 34-42, with the content server being where Crow's file system resides upon).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Granik and Smyk with the teaching of Crow in order to have a plurality of SRLs more organized via a file system which also provides more flexibility for extending existing files (Crow, column 1, lines 65-67).

22. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Granik in view of Smyk in further view of Shuping et al. (US Pub. 2002/0054114), hereafter "Shuping."

Granik discloses:

the step of transmitting a request for said file from said end-user computer to a remote storage center ([0038], lines 1-11),

the step of transmitting said file from said storage center to said end-user computer ([0038], lines 6-10).

Granik and Smyk do not disclose:

transmitting the request comprising transmitting a hyper-text transfer protocol ("HTTP") request,

transmitting the file comprising transmitting the files using HTTP.

Shuping discloses:

transmitting the request comprising transmitting a hyper-text transfer protocol ("HTTP") request ([0034], lines 5-13),

transmitting the file comprising transmitting the files using HTTP ([0035]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Granik and Smyk with the teaching of Shuping in order to facilitate the transmission of the request and the retrieved web pages through a network such as the Internet.

23. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Granik in view of Smyk in further view of what was well known in the art at the time of the invention.

24. As to claim 24, Granik and Smyk disclose the invention substantially with regard to the parent claim 1, and but do not disclose that the unique file identifier is generated by performing a hash calculation on the contents of the file. Rather, Smyk uses file_path_string to uniquely identify the file.

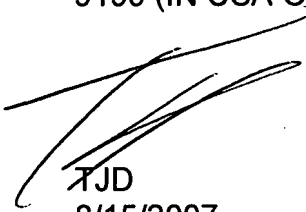
However, using a hash calculation on a file is a well-known and utilized practice in the art to uniquely identify files (e.g. MD5 and RIPEMD algorithms). Therefore, Official Notice is taken that it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute a known practice for the other to achieve the predictable result of uniquely identifying a file.

Conclusion

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is 571-270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.
26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



TJD
8/15/2007



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SUPERVISORY PATENT EXAMINER

8/19/7